

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION

IN RE

JOHN S. ORR

DEBTOR

CHAPTER 13

CASE NO. 18-35963

JUDGE: Cecelia G. Morris

AMENDED OBJECTION TO CONFIRMATION

Alexandros E. Tsionis, Esq., an attorney admitted to practice in this Court, affirms the following under penalty of perjury:

1. I am an associate with Shapiro, DiCaro & Barak, LLC, attorney for PHH Mortgage Corporation, and am familiar with the facts and circumstances surrounding this matter.
2. PHH Mortgage Corporation, holds a mortgage on the Debtor's real property known as 98 Mandys Road, Westtown, NY 10998 (the "Property").
3. PHH Mortgage Corporation has filed a Proof of Claim for pre-petition mortgage arrears in the amount of \$23,870.46. Debtor's proposed Amended Chapter 13 Plan makes no provision for full payment of the mortgage arrears in violation of Bankruptcy Code Section 1325(a)(5)(B)(ii). Debtor's proposed Amended Chapter 13 plan does request participation in Loss Mitigation. However, the outcome of that process is inherently uncertain. As such, the Amended Plan fails to address the possibility of the failure of obtaining a mortgage modification or obtaining one with different terms than those suggested in the Amended Plan.

WHEREFORE, the undersigned respectfully requests the Debtor to amend their Chapter 13 Plan to reflect the proper mortgage arrears as specified earlier or, in the absence of an amendment to the Plan, the undersigned respectfully requests an Order of this Court denying confirmation of Debtor's Chapter 13 Plan pursuant to Bankruptcy Code Section 1325 and such other and further relief as may be just and proper.

Dated: September 25, 2018

Respectfully submitted,

/s/ Alexandros Tsionis

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